

27. (Twice Amended) The retroviral vector particle according to claim 24, wherein the polynucleotide response element is the Rev response element (RRE) from HIV, or a functional equivalent of the Rev response element from HIV.

28. (Twice Amended) The retroviral vector particle according to claim 24, wherein the NS encodes a desired polypeptide.

29. (Twice Amended) The retroviral vector particle according to claim 24, wherein the packageable retroviral RNA genome comprises all or a portion of an oncoretroviral genome.

31. (Twice Amended) The retroviral vector particle according to claim 24, wherein the retroviral response element comprises all or a portion of a lentiviral response element.

34. (Twice Amended) A DNA construct encoding a packageable RNA genome for a retroviral vector particle, wherein the retroviral vector particle, when in the form of a DNA provirus, comprises:

- (i) a 5'LTR comprising an HIV U3 and R region, or functional portions thereof having Tat inducible promoter activity;
- (ii) at least one nucleotide sequence (NS) capable of being expressed in a target cell, and
- (iii) at least one retroviral polynucleotide response element (PRE) which is responsive to a nucleus to cytoplasm transport factor;

wherein the NS and the PRE are located within an intron in a transcription unit of the provirus, wherein the intron is defined by flanking retroviral splice donor (SD) and retroviral splice acceptor (SA) sites derived from different retroviruses,

wherein said NS is capable of expression in Tat and Rev expressing cells, and NS expression is undetectable in cells not expressing Tat and Rev genes; and

wherein the construct is operably linked to a promoter.

36. (Amended) The DNA construct according to claim 34, wherein the NS is absent and the construct comprises an insertion site within the intron containing the PRE at which one or more NS may be inserted.

37. (Twice Amended) A DNA construct encoding a packageable RNA genome for a retroviral vector particle, wherein the retroviral vector particle, when in the form of a DNA provirus, comprises:

- (i) a 5'LTR comprising an HIV U3 and R region, or functional portions thereof having Tat inducible promoter activity; and
- (ii) at least one retroviral polynucleotide response element (PRE) which is responsive to a nucleus to cytoplasm transport factor;

wherein the PRE is located within an intron in a transcription unit of the provirus,

wherein the intron is flanked by a retroviral splice donoe (SD) site and a retroviral splice acceptor (SA) site derived from different retroviruses,

wherein the construct comprises an insertion site within the intron containing the PRE at which one or more nucleotide sequences (NS) may be inserted; and

wherein the construct is operably linked to a promoter.

## REMARKS

### Pending Claims

Claims 25, 35, and 39 have been cancelled. Claims 26, 27, 28, 29, 31, 34, 36, and 37 have been amended. Accordingly, claims 24, 26-34, 36-38, and 40-43 are pending in the application. A clean copy of all pending claims is attached for the Examiner's convenience.